

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CINDY J. FRY,

Plaintiff,

Case No: 1:09-cv-915

v

HON. JANET T. NEFF

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

OPINION AND ORDER

Plaintiff seeks judicial review of a decision of the Commissioner of the Social Security Administration to deny her disability insurance benefits. 42 U.S.C. § 405(g). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation, recommending that this Court affirm the Commissioner's decision. The matter is presently before the Court on plaintiff's objection to the Report and Recommendation. Defendant did not file a response to the objection. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of the portion of the Report and Recommendation to which plaintiff objects. The Court denies the objection and enters this Opinion and Order.

Plaintiff's objection to the Report and Recommendation is a reiteration of her argument on appeal that the Administrative Law Judge (ALJ) failed to accord appropriate weight to the medical opinion of Laurence Domino, plaintiff's treating physician. The Court is not convinced that plaintiff has revealed any factual or legal error in the Magistrate Judge's analysis. The Magistrate Judge accurately described the treating physician doctrine and properly reviewed the ALJ's decision in

light of the doctrine and applicable case law (Dkt 9 at 10-12). Specifically, the Magistrate Judge determined that the ALJ complied with the requirement of providing “good reasons” for determining not to accord Dr. Domino’s opinion controlling weight. *See Blakley v. Comm’r of Soc. Sec.*, 581 F.3d 399, 406-07 (6th Cir. 2009); *Wilson v. Comm’r of Soc. Sec.*, 378 F.3d 541, 544 (6th Cir. 2004). The Magistrate Judge delineated these reasons and properly determined that the ALJ’s decision was supported by substantial evidence in the record. *See Bass v. McMahon*, 499 F.3d 506, 512 (6th Cir. 2007) (“*Wilson* requires reversal when a treating physician’s opinion was ignored and no reasons for doing so were provided. . . . That is not the case we have here.”).

Therefore:

IT IS HEREBY ORDERED that the Objections (Dkt 10) are DENIED, the Report and Recommendation of the Magistrate Judge (Dkt 9) is APPROVED and ADOPTED as the Opinion of the Court, and the decision of the Commissioner of Social Security is AFFIRMED.

A Judgment will be entered consistent with this Opinion and Order.

Dated: January 3, 2011

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge